

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION

PARTIES TO DISPUTE:

**BROTHERHOOD OF RAILROAD SIGNALMEN OF AMERICA
CHICAGO, ROCK ISLAND AND PACIFIC
RAILROAD COMPANY**

STATEMENT OF CLAIM: Claim of the General Committee of the Brotherhood of Railroad Signalmen of America on the Chicago, Rock Island and Pacific Railroad Company that:

(a) The Carrier violated Rule 65 of the current agreement following investigation held on November 9, 1957, when it failed and/or refused to grant Signal Maintainer O. E. Robbins a fair and impartial hearing before General Manager G. J. Mulick, who was the next higher officer, after request was made for such hearing by the claimant's duly accredited representative on December 5, 1957, which appealed the decision rendered by Superintendent D. J. Smith on November 29, 1957; the Carrier violated Rule 67 of the agreement when it denied the claimant the right of appeal, in regular order of succession, up to and including the highest officer of the Carrier to whom such appeals may be made; and that the Carrier violated Rule 66 of the agreement in denying the claimant the right of appeal and hearing as provided therein when it refused to clear the claimant's record of the charges and the demerits assessed against him.

(b) The Carrier now clear the claimant's personal record of the charges placed against him in the Carrier's letter dated November 15, 1957, and the demerits assessed against him by the Carrier in its letter dated November 29, 1957. [Carrier's File PR-64169]

FINDINGS: The Third Division of the Adjustment Board finds:

That the dispute was certified to the Third Division of the Adjustment Board ex parte by the complainant party; and

That hearing thereon was waived by the parties. Under date of September 17, 1958, the complainant party addressed a formal communication to the Secretary of the Third Division requesting withdrawal of this case, which request is hereby granted.

AWARD

Case dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of **THIRD DIVISION**

ATTEST: A. Ivan Tummon
Executive Secretary

Dated at Chicago, Illinois, this 30th day of September, 1958.